

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

UNITED STATES OF AMERICA,)
)
v.)
)
ANGELO EFTHIMIATOS,)
)

Case No. 3:13-CR-00015(SMR)

**MOTION FOR SUMMARY JUDGMENT ON PETITIONER'S MOTION
FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

NOW COMES PETITIONER, Angelo Efthimiatos, to respectfully move this Court to grant Summary Judgment on his Emergency Petition for Declaratory Judgment and Injunctive Relief filed on December 12, 2018 (see Dkt. 311). The Court directed the Government to respond to Petitioner's Motion by December 19, 2018 (see Dkt. 311). As it is now January 4, 2019, the Government has clearly missed the Court's imposed deadline to respond, and therefore Petitioner's Motion should be granted in full, his request for the termination of his supervised release should be granted, and his arrest warrant for a simple traffic-ticket supervised release violation should be quashed and dismissed with prejudice.

While the Court has not ruled on Petitioner's Motion for a Declaratory Judgment and Injunctive Relief even though it specifically directed the Government to respond by December 19th, that has not stopped the US Marshals from taking Angelo from his prison in Vermont on the way back to Iowa. The Petitioner wishes to bring to the Court's attention that a young flight student was caught red-handed trying to steal a jetliner from the Orlando-Melbourne Airport, yet only received 12 days in jail and a \$1,000 fine, whereas all Angelo did was fly to Massachusetts in order to pick up some parts necessary to fix a plane back in Vermont. He did not carry any passengers or have any contraband on the plane. According to the FAA's own computer, his Airman's Certificate was still in good standing at the time of the flight, and the Government not

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**U.S. COURT OF APPEALS
EIGHTH CIRCUIT**

only knew this, but did not disclose they knew until the eve of Angelo's trial in Vermont last month.

Angelo respectfully asks this Court to consider what the penalty would be for driving from Davenport, Iowa to Moline, Illinois to pick up some automobile parts. Angelo was employed in the business of fixing planes in Vermont, and made the trip to Massachusetts in order to get special parts for an older plane that were nowhere else to be found locally. The Government acknowledges this fact, as well as the fact that Angelo did not have any contraband, passengers, or anything otherwise unlawful on or around him or the plane when he was unlawfully seized and searched without a warrant by DEA Agents disguised as FAA Agents waiting all day at a small Vermont Airport. They told Angelo that they had been tracking him since August of the previous year. In that time period, over 1,000 young people have died in Iowa and New England from Fentanyl and Opioid abuse, but the DEA has time to watch planes come and go in a small airport.. Furthermore, the DEA Agents that posed as FAA Agents doing a simple ramp check knew that Angelo's Airman's Certificate was still in full force and effect. These facts are all undisputed. Even though all of this was readily apparent, Angelo has been held in maximum security prisons for almost a year for what amounts to a "traffic-ticket" type of violation for trying to earn a living to support his disabled wife and special needs daughter as well as repairing an old farmhouse in Vermont that has since fallen into disrepair.

As has been recently discovered by calling the prison yesterday, Angelo is now in the process of being transported to Iowa through Berlin, New Hampshire and Brooklyn MDC, and then back to Oklahoma City and Iowa where he will stand before Judge Stephanie Rose and possibly face additional time in prison for a misdemeanor that he did not knowingly commit. Had it not been for an engine failure six years ago, Angelo never would have been in Iowa in the

first place. The nightmare Angelo is facing is exactly the type of suffering that the Founders were strictly against in that they all feared being dragged from New England back to Old England. Every one of the Founders would be shocked by taking Angelo from New England to Iowa for a petty crime, but this can all be remedied with the granting of this Motion for Summary Judgment, since the Government clearly does not respect the Court's orders or care to give Angelo the Due Process rights he is entitled to under the Constitution.

Therefore, because the Government has not responded to Petitioner's Motion for a Declaratory Judgment and Injunctive Relief, and because the Petitioner and his family have suffered a grievous deprivation of precious constitutional liberties for a minor supervision violation, this Court should grant the relief requested and order the US Marshals to return Angelo to his family in Vermont and order his release until he is sentenced in that case. The Judge in the Vermont case was willing to grant bail pending appeal, and Angelo's attorneys in the Vermont case are in the process of submitting very substantial motions for a judgment of acquittal pursuant to Rule 29 and for a new trial in the interests of justice pursuant to Rule 33. Being shipped to Iowa for a minor supervised release infraction is just one more unreasonable Due Process delay violation in this Kafkaesque unconstitutional nightmare.

In the alternative, please consider this Motion for Summary Judgment to be a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 as Petitioner has already filed a Motion to Vacate the Arrest Warrant due to several violations of the Speedy Trial Act and the Speedy Trial Clause and the Venue Clause of the Sixth Amendment. Because the Petitioner is in transit, he will not be in Iowa until sometime next week or the following week depending on how long the Marshals keep Angelo in Brooklyn MDC.

WHEREFORE, the Petitioner respectfully moves this Court to grant the requested relief, as well as any other relief the Court deems proper.

Respectfully Submitted,

/s/ Angelo Efthimiatos
Angelo Efthimiatos
Incarcerated Inmate
Petitioner, *pro se*
c/o Nancy Dellamonte
3710 Route 30
Sudbury, VT 05733
914-274-1678

January 4, 2019

United States Court of Appeals

For The Eighth Circuit

Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329

St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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January 7, 2019

Mr. John Courter, Clerk
U.S. District Court
123 E. Walnut Street, Room 300
P.O. Box 9344
Des Moines, IA 50306-9344

Case: USA v. Angelo Efthimiatos

District Court Case Number: 3:13-cr-00015-SMR

Dear Mr. Courter,

Please find enclosed a pleading which appears to be captioned to your court. We are forwarding this document to you for processing.

Mr. Efthimiatos is advised that sending notices of appeal and other documents that should be filed in the district court to our court only results in delay as the document must then be forwarded to the District Court for filing.

Should you require further assistance in this matter, please do not hesitate to contact our office.

Sincerely,

Michael E. Gans
Clerk of Court

aeV

Mr. Angelo Efthimiatos
c/o Nancy Dellamonte
3710 Route 30
Sudbury, VT 05733

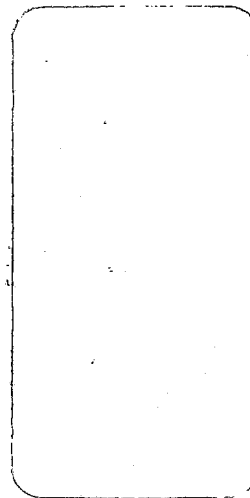
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SOUTHERN DISTRICT OF IOWA



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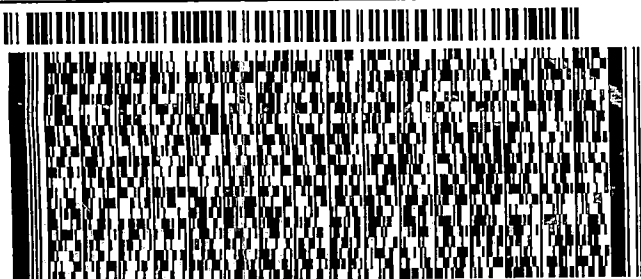
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